

**United States District Court**  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

MARICEL FORTEZA	§	
	§	CIVIL ACTION NO. 4:23CV401
V.	§	JUDGE MAZZANT/JUDGE JOHNSON
	§	
PELICAN INVESTMENT HOLDINGS	§	
GROUP, LLC d/b/a AAP and AUTO	§	
SERVICE DEPARTMENT, <i>et al.</i>	§	

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On December 27, 2023, the Magistrate Judge entered a Report and Recommendation (Dkt. #41) that Defendants Pelican Investment Holdings Group, LLC d/b/a AAP and Auto Service Department and Palmer Administrative Services, Inc.’s Motion to Dismiss Plaintiff, Marciel [sic] Forteza’s, Amended Complaint (the “Motion to Dismiss”) (Dkt. #15) should be denied.

Having received the Report of the United States Magistrate Judge, and no timely objections being filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

Accordingly, it is hereby **ORDERED** that the Motion to Dismiss (Dkt. #15) is **DENIED**.

**SIGNED this 11th day of January, 2024.**

  
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AMOS L. MAZZANT  
UNITED STATES DISTRICT JUDGE